

INSTRUCTIONS

Read these instructions carefully. If you do not follow the instructions, the Immigration and Naturalization Service (INS) may have to return your petition, which may delay final action. If more space is needed to complete an answer, continue on a separate sheet of paper.

1. Who Can File This Petition?

If you have been admitted to the United States as a refugee or if you have been granted status in the United States as an asylee, **within the previous two years and as the principal applicant**, you may file this petition. A separate Form I-730 must be filed for each family member.

You are **not** eligible to file this petition if:

- 1) You were granted status in the United States as a derivative beneficiary or as an accompanying or following-to-join family member; or
- 2) You were admitted to the United States as a refugee more than two years ago (see *NOTE); or
- 3) You were granted status in the United States as an asylee more than two years ago (see *NOTE).

***NOTE:** The requirement that the Refugee/Asylee Relative Petition must be filed within two years of your admission as a refugee or grant of asylum does not go into effect until two years after the effective date of the final rule entitled *Procedures for Filing a Derivative Petition (Form I-730) for a Spouse and Unmarried Children of a Refugee/Asylee*.

2. Who Is Eligible For Accompanying Or Following-To-Join Benefits?

Your **spouse** and/or your **unmarried children under twenty-one (21) years of age**, whether in or outside of the United States, are eligible for accompanying or following-to-join benefits based on this petition **provided** that the family member(s) qualify under the conditions described below.

- If you are a refugee: The relationship between you and your relative must have existed on the date you were admitted to the United States as a refugee and must continue to exist. If the person you are filing for is a child who was conceived but not yet born on the date you were admitted to the United States, the relationship will be considered to exist as of the date

you were admitted to the United States. (The mother of such child is not an eligible relative unless the mother was married to the principal refugee when the refugee was admitted to the United States.)

- If you are an asylee: The relationship between you and your relative must have existed on the date you were granted asylum in the United States and must continue to exist. If the person you are filing for is a child who was conceived but not yet born on the date you were granted asylum in the United States, the relationship will be considered to exist as of the date you were granted asylum in the United States. (The mother of such child is not an eligible relative unless the mother was married to the principal asylee when the asylee was granted asylum in the United States.)
- In all cases, if the family member you are filing for is your child, the child must continue to be unmarried and under 21 years of age.
- A spouse or child must be otherwise admissible as an immigrant (for refugee relatives) or not subject to the mandatory bars of 8 CFR 208.19 (for asylee relatives).

A petition may not be approved for the following people:

- A spouse or child who has previously been granted refugee or asylee status.
- An adopted child, if the adoption took place after the child became 16 years old, or if the child has not been in the legal custody and living with the adoptive parent(s) for at least two years.
- A stepchild, if the marriage that created this relationship took place after the child became 18 years old.
- A husband or wife, if each was not physically present at the marriage ceremony and the marriage was not consummated.

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- A husband or wife, if it is determined that such alien has attempted or conspired to enter into a marriage for the purpose of evading immigration laws.
 - A parent, sister, brother, grandparent, grandchild, nephew, niece, uncle, aunt, cousin, or in-law.

3. What Documents Need To Be Submitted?

Certain documents are required to be submitted with this petition to show that you are eligible to file this petition and to show that a relationship exists between you and your relative. (If the documents described below are not available, see Sections 4 and 5 of these instructions.)

- In all cases, submit **evidence of your status as a refugee or asylee** in the United States.
- In all cases, submit a recent, clear **photograph** of the family member you are filing for.
- If you are petitioning for your **husband or wife**, submit your marriage certificate. If you and/or your spouse were ever previously married to other people, submit evidence of the legal termination of the previous marriage(s). Evidence of any legal name change must also be submitted, if applicable.
- If you are petitioning for your **child** and you are the **natural mother**, whether the child was born in or out of wedlock, submit the child's birth certificate showing both the child's name and your name. Evidence of any legal name change must also be submitted if the names on the birth certificate do not match the names on the petition.
- If you are petitioning for your **child** and you are the **natural father**, submit the child's birth certificate showing both the child's name and your name. If you were married to the child's mother, submit your marriage certificate. If you and/or the child's mother were ever previously married to other people, submit evidence of the legal termination of the previous marriage(s). If you were not married to the child's mother, submit evidence that the child was legitimated by the civil authorities. If the child was not legitimated by the civil authorities, submit evidence that a bona fide parent/child relationship exists or existed between you and the child. Evidence of a bona fide parent/child relationship

should prove that you have emotional and financial ties to the child, and that you have shown genuine concern and interest in the child's support, instruction, and general welfare. Such evidence may include (but is not limited to) the following:

- 1) Money order receipts;
- 2) Canceled checks showing financial support of the child;
- 3) Income tax returns in which you claim the child as a dependent and member of your household;
- 4) Medical or insurance records which include the child as a dependent;
- 5) School records for the child;
- 6) Correspondence between you and the child; and
- 7) Notarized affidavits of reliable persons who are knowledgeable about the relationship.

Evidence of any legal name change must also be submitted, if applicable.

- If you are petitioning for your **stepchild**, whether the child was born in or out of wedlock, submit the child's birth certificate and the marriage certificate between you and the child's natural parent. If you and/or the child's natural parent were ever previously married to other people, submit evidence of the legal termination of the previous marriage(s). Evidence of any legal name changes must also be submitted, if applicable.
- If you are petitioning for your **adopted child**, submit a certified copy of the adoption decree and evidence that you resided together with the child for at least two years. If you were granted legal custody of the child prior to the adoption, submit a certified copy of the court order granting custody. Evidence of any legal name changes must also be submitted, if applicable.

IMPORTANT NOTE: In all cases, you should submit one legible photocopy of each required document to the INS. Where a copy of a document is submitted, the INS may at any time require that the original document be submitted for review. Documents in a foreign language must be accompanied by a complete English translation. The translator must certify that the translation is accurate and that he or she is competent to translate. Original documents submitted when not required will remain a part of the record.

4. What If A Document Is Not Available?

If the documents described above are not available from the civil authorities, you can submit the following, as **secondary evidence**, along with a statement from the appropriate civil authority certifying that the required document(s) is(are) not available.

- **Church record:** A certificate under the seal of the church where the baptism, dedication, or comparable rite occurred within two months after birth, showing the date and place of the child's birth, the date of the religious ceremony, and the names of the child's parents.
- **School record:** A letter from the authorities of the school(s) attended, showing the date of admission to the school, the child's date and place of birth, and the names of both parents, if shown in the school records.
- **Census record:** State or federal census record showing name, place of birth, and date of birth or the age of the person(s) listed.

5. What If Secondary Evidence Is Not Available?

If the secondary evidence described above is not available, you can submit affidavits. If you submit affidavits, they must overcome the absence of primary and secondary evidence.

- **Affidavits:** Submit written statements sworn to or affirmed by two persons who were living at the time and who have personal knowledge of the event you are trying to prove: for example, the date and place of birth, marriage or death. The persons making the affidavits need not be citizens of the United States. Each affidavit should contain the following information regarding the person making the affidavit: his or her full name, address, date and place of birth and his or her relationship to you (if any); full information concerning the event; and complete details concerning how the person acquired the knowledge of the event.

6. How To Prepare This Form?

- Type or print clearly in black or blue ink.

- Answer all questions completely and accurately. If any item does not apply, please write "N/A".
- If you need extra space to complete any item, attach a separate continuation sheet. Indicate the item number, and date and sign each sheet.

7. Where To File This Form?

Send this form along with the required supporting evidence to the following address:

INS
Nebraska Service Center
P. O. Box 87730
Lincoln, NE 68501-7730

8. What Are The Penalties For Committing Marriage Fraud Or Submitting False Information Or Both?

- Title 8, United States Code, Section 1325, states that any individual who knowingly enters into a marriage contract for the purpose of evading any provision of the immigration laws shall be imprisoned for not more than five years, or fined not more than \$250,000, or both.
- Title 18, United States Code, Section 1001, states that whoever willfully and knowingly falsifies a material fact, makes a false statement or makes use of a false document will be fined up to \$10,000 or imprisoned up to five years, or both.

9. The INS Authority For Collecting This Information:

The INS requests the information on the form to carry out the immigration laws contained in Title 8, United States Code, Sections 1157(c)(2) and 1158(b)(3). The INS needs this information to determine whether a person is eligible for immigration benefits. The information you provide may also be disclosed to other federal, state, local, and foreign law enforcement and regulatory agencies during the course of the investigation required by the INS. You do not have to give this information. However, if you refuse to give some or all of it, your petition may be denied.

10. Paperwork Reduction Act Notice.

A person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The public reporting burden for this collection of information is estimated to average **35** minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: U.S. Department of Justice, Immigration and Naturalization Service, Policy Directives and Instructions Branch (Room 5307), Washington, DC 20536.

Refugee/Asylee Relative Petition

START HERE - Please Type or Print

Part 1. Information about you.

Family Name	Given Name	Middle Name
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Address - C/O

Street Number and Name	Apt. #
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City	State or Province
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Country	ZIP/Postal Code	Sex: a. <input type="checkbox"/> Male b. <input type="checkbox"/> Female
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Date of Birth (Month/Day/Year)	Country of Birth
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A#	Social Security #
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Other names used (including maiden name)

Present Status: (check one)

- a. ☐ Refugee c. ☐ Lawful Permanent Resident based on previous Refugee status
b. ☐ Asylee d. ☐ Lawful Permanent Resident based on previous Asylee status

Date (Month/Day/Year) and Place Refugee or Asylee status was granted:

If granted Refugee status, Date (Month/Day/Year) and Place Admitted to the United States:

If Married, Date (Month/Day/Year) and Place of Present Marriage:

If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (Month/Day/Year)

Part 2. Information about the relationship.

- The alien relative is my: a. ☐ Spouse
b. ☐ Unmarried child under 21 years of age

Number of relatives I am filing for: _____ (_____ of _____)

Part 3. Information about your alien relative. (If you are petitioning for more than one family member you must complete and file a separate Form I-730 for each additional family member.)

Family Name	Given Name	Middle Name
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Address - C/O

Street Number and Name	Apt. #
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FOR INS USE ONLY

Returned	Receipt
Submitted	
Reloc Sent	
Reloc Rec'd	
<input type="checkbox"/> Petitioner Interviewed	
<input type="checkbox"/> Beneficiary Interviewed	

Consulate

Sections of Law

- ☐ 207 (c) (2) Spouse
☐ 207 (c) (2) Child
☐ 208 (b) (3) Spouse
☐ 208 (b) (3) Child

Remarks

Action Block

To Be Completed by Attorney or Representative, if any

- ☐ Fill in box if G-28 is attached to represent the applicant

Volag #

Atty State License #

Part 3. Information about your alien relative. *Continued*

City	State or Providence		
Country	ZIP/Postal Code	Sex: a. <input type="checkbox"/> Male b. <input type="checkbox"/> Female	
Date of Birth (Month/Day/Year)	Country of Birth		
Alien # (If any)	Social Security # (If Any)		
Other name(s) used (including maiden name)			

If Married, Date (Month/Day/Year) and Place of Present Marriage:

If Previously Married, Name(s) of Prior Spouse(s):

Date(s) Previous Marriage(s) Ended: (Month/Day/Year)

Part 4. Processing Information.

- A. Check One:
- a. ☐ The person named in Part 3 is now in the United States.
 - b. ☐ The person named in Part 3 is now outside the United States. (Please indicate the location of the American Consulate or Embassy where your relative will apply for a visa.)

American Consulate/Embassy at: _____

City and Country

- B. Is the person named in Part 3 in exclusion, deportation, or removal proceedings in the United States?

- a. ☐ No
- b. ☐ Yes (Please explain on a separate paper.)

Part 5. Signature. *Read the information on penalties in the instructions before completing this section and sign below. If someone helped you to prepare this petition, he or she must complete Part 6.*

I certify or, if outside the United States, I swear or affirm, under penalty of perjury under the laws of the United States of America, that this petition and the evidence submitted with it, is all true and correct. I authorize the release of any information from my record which the Immigration and Naturalization Service needs to determine eligibility for the benefit I am seeking.

Signature	Print Name	Date	Daytime Telephone # ()
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Please Note: *If you do not completely fill out this form, or fail to submit the required documents listed in the instructions, your relative may not be found eligible for the requested benefit and this petition may be denied.*

Part 6. Signature of person preparing form if other than Petitioner above. (Sign Below)

I declare that I prepared this petition at the request of the above person and it is based on all of the information of which I have knowledge.

Signature	Print Name	Date	Daytime Telephone # ()
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Firm Name
and Address